

**Individual Practices of Walter Shapero**  
U.S. Bankruptcy Court for the Eastern District of Michigan  
Northern Division  
111 First Street, Bay City, MI 48708  
Courtroom Deputy, Wendy Erickson (989) 894-8844  
Southern Division  
226 West Second Street, Flint, MI 48502  
Courtroom Deputy, Terese Dear (810) 235-2039

**I. Communications with Chambers**

- A. Chambers staff cannot give legal or procedural advice. The Court's procedures are governed by the Federal Rules of Bankruptcy Procedure and Local Rules of Bankruptcy Procedure for the Eastern District of Michigan, which are available on this website. This memorandum is intended as a supplement to those rules, and not as a substitute.
- B. Telephone calls. Telephone calls to chambers are permitted, but should be made only when necessary. Counsel having questions concerning scheduling matters should contact the Courtroom Deputy, Ms. Erickson (Bay City), directly at (989) 894-8844 or the Courtroom Deputy, Ms. Dear (Flint), directly at (810) 235-2039. Do not call the Judicial Assistant, Pam Skillman, or the Law Clerk, Melanie Beyers, with respect to any scheduling matters. Chambers personnel cannot provide case information. All calls pertaining to case information and docket entries should be directed to the Auto Attendant in Bay City at (989) 894-8840, or in Flint at (810) 235-4126, or parties may view case dockets on PACER. The weekly dockets for Judge Shapero may be viewed on the Court's website under the heading "Court Docket".
- C. Letters. Letters to the Judge are discouraged, unless specifically requested; written

communications should be made only by pleadings. Copies of correspondence between counsel shall not be sent to the Judge and will be discarded. Letters to the Judge from pro se litigants may, at the Judge's discretion, be treated as pleadings and docketed as such.

- D. Facsimiles. Faxes to chambers are not permitted unless specifically requested by the Judge. When the Judge permits a fax, the use of the chamber's fax number is for that time only.
- E. Scheduling and calendaring. For scheduling or calendar matters, call Ms. Erickson in Bay City at (989) 894-8844 or Ms. Dear in Flint at (810) 235-2039. Dockets for the week are normally posted on the Court's website no later than Monday of that week.
- F. Requests for adjournments. Requests for adjournments should be made strictly in conformance with L.B.R. 7016-3. All requests for adjournments must be made at least 24 hours in advance of the scheduled hearing. Requests not in conformity with the above will be at the discretion of the Court.

## **II. Motions**

- A. Filing of motion papers. All papers should be filed in the Clerk's office. With the exception of motions for expedited hearings and pleadings specifically requested by the Judge, the Judge's copy of pleadings should be filed with the Clerk's office, and not brought to chambers. If pleadings are being mailed to the Court for filing, they should be addressed to U.S. Bankruptcy Court, (Flint) 226 West Second Street, Flint, MI 48502 and (Bay City) 111 First Street, Bay City, MI 48707.

- B. Oral argument on motions. The Court will schedule oral argument on motions. The parties will be notified of the date and time of argument. Evidence will not ordinarily be taken at the time of the oral argument unless the Court has previously notified the parties. If an evidentiary hearing is determined to be necessary, the Court will schedule such at an appropriate date and time.
- C. Motion day. Judge Shapero's motion day is Thursday in Bay City and Wednesday in Flint. Counsel does *not* need to check in with the Courtroom Deputy either in chambers or in the courtroom. Cases will be called generally in the order in which they appear on the docket, which is posted outside the courtroom.
- D. Pro hac vice appearance. Pro hac vice appearances are not permitted. For the requirements and procedures for admission to the bar, counsel are directed to Rule 83.20(c)(1) of the Local Rules for the District Court, Eastern District of Michigan.
- E. Participation by telephone. Participation by telephone is permitted only in unusual and appropriate circumstances. Counsel must request approval one day in advance. Contact the Courtroom Deputy to request permission and make arrangements.
- F. Discovery disputes. Discovery motions are not encouraged.

### **III. Orders**

- A. Chambers staff cannot search for or give the status of orders previously submitted for the Judge's signature. Judge Shapero is in the Flint location on Tuesday and Wednesday of each week and in the Bay City location on Thursday of each week. Accordingly, those are the days when orders will be reviewed and entered by Judge

Shapero in each court location.

- B. Copies. Copies of orders are provided only according to L.B.R. 5006-1.
- C. Orders to show cause. Orders to show cause are issued by the Court and generally require the appearance of counsel at the stated time unless otherwise indicated in the order. Orders to show cause will not be issued upon motion by a party, as there is no provision in the Bankruptcy Rules authorizing a party to request an order to show cause.

#### **IV. Status Conferences**

- A. Location. Status conferences are generally held in chambers unless indicated otherwise on the notice.
- B. Initial scheduling conference in an adversary proceeding. A Fed. R. Civ. P. 26(f) report must be filed five days in advance of the scheduling conference. If a Rule 26(f) report has been filed five days in advance of the scheduling conference, and is in the approved format, the parties will not need to attend the scheduling conference, unless the Court has directed otherwise in the order scheduling the conference. If a litigant is acting in pro per, the initial scheduling conference will take place on the record.
- C. Chapter 11 case management orders. The Court will automatically issue a Chapter 11 case management order once the Debtor has filed all the required documents with the voluntary petition including, but not limited to, schedules and statement of financial affairs. To the extent practicable, the Court will issue the case management order prior to the scheduled § 341 hearing. The Judge's requirements for information to include in

the combined Chapter 11 plan and disclosure statement can be found on the Court's website.

## **V. Trials and Evidentiary Hearings**

- A. Court Recorder. Please respect the Court Recorder's function. Speak clearly. Do not speak while someone else is speaking. New attorneys should give the Court Recorder their business card to ensure correct information in the record. If the spelling of names of cases, people, places, or things is important, counsel should give a list of such words to the Court Recorder at the start of trial.
- B. Exhibits. For trials and evidentiary hearings, parties must strictly comply with L.B.R. 7016-1(d). At least one day prior to trial or evidentiary hearing, counsel shall arrange with the court recorder Pam Skillman (Flint) (810) 235-4426 or Bay City (989) 894-8861, to have all documentary exhibits marked and provide copies of all exhibits to opposing counsel. Parties shall not mark exhibits prior to their submission to the Court Recorder. At the trial or evidentiary hearing, counsel shall have five copies of all exhibits: one for the witness, the Judge, opposing counsel, the Court Recorder, and the Law Clerk.
- C. Transcripts. Counsel are responsible for promptly raising any issue concerning the accuracy of transcripts certified by the official Court Recorder. Counsel should contact the Court Recorder, Pam Skillman, with material errors.

## **VI. Default Judgments**

- A. Motions for default judgments will not be accepted absent the following:

1. A description of the nature of the claim;
  2. An affidavit representing that the defendant is not (i) an infant; (ii) an incompetent; or (iii) in the military as provided in the Service Member's Civil Relief Act of 2003, Pub. L. No. 108-189, 117 Stat. 2835 (2003).
  3. An affidavit and documentation substantiating the relevant allegations in the complaint.
- B. If the plaintiff seeks an award of damages in the motion for default judgment, the required affidavit and substantiating documentation must also include:
1. A request for an amount equal to or less than the principal amount demanded in the complaint;
  2. Definitive information and documentation such that the amount provided for in the proposed judgment can be calculated. If this requirement cannot be satisfied, a default judgment may be granted as to liability, and damages will be determined at an evidentiary hearing.
  3. An affidavit representing that no part of the judgment sought has been paid, other than as indicated in the motion;
  4. A request for interest, if interest is sought, on the principal amount not to exceed the judgment rate under Michigan law or authority if a different rate is sought; and
  5. The calculations made in arriving at the proposed judgment amount.
- C. The motion for default judgment must be accompanied by a proposed judgment

pursuant to L.B.R. 7055-1.

D. The Court may also request a hearing on the motion at its discretion.

## **VII. Settlements**

Counsel are required to strictly comply with L.B.R. 9019-1 regarding the settlement of an adversary proceeding or contested matter.

## **VIII. Law Clerks, Internships, and Externships**

The Judge is not currently accepting applications for law clerks, internships, or externships. If a position becomes available, a notice will be posted on this website. Questions concerning such positions should be direct to the Law Clerk, Melanie Beyers in Bay City at (989) 894-8853, or in Flint at (810) 235-3253.

## **IX. Reaffirmation Agreement Hearings**

- A. Pro se cases. In all pro se cases where the Debtor signs one or more reaffirmation agreements, the Court will schedule a hearing to determine whether or not the reaffirmation agreement(s) will be approved.
- B. Debtor represented. In cases where the Debtor is represented by counsel and has entered into numerous reaffirmation agreements, the file will be screened and, where appropriate, approval of the reaffirmation agreements will be set for hearing.